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To:	U.S. Patent & Trademark Office	From:	Molly L. Sauter
Attn:	Amanda T. Le - Art Unit 2634	Client:	1413.02
Fax:	(703) 872-9814-9306	Pages:	14 including coversheet
Phone:	(703) 305-4769	Date:	March 25, 2005
Re:	USPN: 10/064,570	CC:	Jabil Circuit, Inc. (Assignee)

☐ Urgent ☒ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

Dear Examiner Le:

In response to the Notice of Non-Compliant Amendment mailed on March 16, 2005, we enclose the following:

- 1) Copy of Notice of Non-Compliant Amendment (1 page);
- 2) Amendment Transmittal with Certificate of Facsimile Transmission under 37 CFR 1.8(a) dated March 25, 2005 (2 pages); and
- 3) Supplemental Amendment C with Certificate of Facsimile Transmission under 37 CFR 1.8(a) dated March 25, 2005 (10 pages).

Very respectfully,

Molly L. Sauter
Reg. No. 46,457

The documentation accompanying this transmission contains information from the Law Office of Smith & Hopen, P.A., which is confidential and/or privileged. The information is intended only for the use of the individual or entity named on this sheet. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, or the taking of any action in reliance upon the contents of this telecopied information is strictly prohibited. If you have received this transmission in error, please notify us by telephone immediately, so that we can arrange for the return of the original documents to us at no cost to you.



UNITED STATES PATENT AND TRADEMARK OFFICE

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UNITED STATES PATENT AND TRADEMARK OFFICE
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ALEXANDRIA, VA 22313-1450
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Notice of Non-Compliant Amendment (37 CFR 1.121)

The amendment document filed on 11/23/04 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121. In order for the amendment document to be compliant, correction of the following item(s) is required. Only the corrected section of the non-compliant amendment document must be resubmitted (in its entirety), e.g., the entire "Amendments to the claims" section of applicant's amendment document must be re-submitted. 37 CFR 1.121(h)

THE FOLLOWING CHECKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
- ☐ A. Amended paragraph(s) do not include markings.
 - ☐ B. New paragraph(s) should not be underlined
 - ☐ C. Other _____
- ☐ 2. Abstract:
- ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
 - ☐ B. Other _____
- ☐ 3. Amendments to the drawings: _____
- ☒ 4. Amendments to the claims:
- ☐ A. A complete listing of all of the claims is not present.
 - ☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims) _____
 - ☒ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following 7 status identifiers. (Original), (Currently amended), (Canceled), (Withdrawn), (Previously presented), (New) and (Not entered)
 - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order
 - ☒ E. Other. previously amended is not a status identifier

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP Sec. 714 and the USPTO website at <http://www.uspto.gov/web/offices/pac/dapp/opa/preugnotice/office/ver.pdf>

If the non-compliant amendment is a **PRELIMINARY AMENDMENT**, applicant is given **ONE MONTH** from the mail date of this letter to supply the corrected section which complies with 37 CFR 1.121. Failure to comply with 37 CFR 1.121 will result in non-entry of the preliminary amendment and examination on the merits will commence without consideration of the proposed changes in the preliminary amendment(s). This notice is not an action under 35 U.S.C. 132, and this **ONE MONTH** time limit is **not extendable**.

If the non-compliant amendment is a reply to a **NON-FINAL OFFICE ACTION** (including a submission for an RCE), and since the amendment appears to be a *bona fide* attempt to be a reply (37 CFR 1.135(c)), applicant is given a **TIME PERIOD** of **ONE MONTH** from the mailing of this notice within which to re-submit the corrected section which complies with 37 CFR 1.121 in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD ARE AVAILABLE UNDER 37 CFR 1.136(a).**

If the amendment is a reply to a **FINAL REJECTION**, this form may be an attachment to an Advisory Action. The period for response to a final rejection continues to run from the date set in the final rejection, and is not affected by the non-compliant status of the amendment.

Legal Instruments Examiner (LIE)

Telephone No. _____

Practitioner's Docket No.: 1413.02

MAR 25 2005

PATENTS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Israel Morejon et al.

Serial No.: 10/064,570

Filed: 07/26/2002

For: Symmetric Spherical QAM Constellation

Examiner: Amanda T. Le

Art Unit: 2634

Confirmation No.: 3235

Faxed to Technology Center 2600 at (703) 872-9314
Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

AMENDMENT TRANSMITTAL

1. Transmitted herewith is an amendment for this application.

STATUS

2. Applicant is an independent inventor. A statement was already filed.

EXTENSION OF TERM

3. The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136 apply.

CERTIFICATE OF FACSIMILE TRANSMISSION
(37 C.F.R. 1.8(a))

I HEREBY CERTIFY that this correspondence is being transmitted by facsimile to the United States Patent and Trademark Office, Art Unit 2634, Attn.: Amanda T. Le, (703) 872-9314 on March 25, 2005.

Dated: March 25, 2005

Charlene Morgan

(Amendment Transmittal—page 1)

FEE FOR CLAIMS

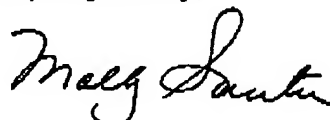
4. The fee for claims (37 C.F.R. 1.16(b)-(d)) has been calculated as shown below:

	(Col. 1)		(Col. 2)	(Col. 3)	SMALL ENTITY	
	Claims Remaining After Amendment		Highest No. Previously Paid For	Present Extra	Rate	Addit. Fee
Total	24	Minus	25	= 0	x \$18 =	\$0.00
Indep.	5	Minus	6	= 0	x \$88 =	\$0.00
First Presentation of Multiple Dependent Claim					+ \$300 =	\$0
Total					Addit. Fee	\$0.00

- * If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.
 - ** If the "Highest No. Previously Paid For" IN THIS SPACE (Column 2, Row 1) is less than 20, enter "20".
 - *** If the "Highest No. Previously Paid For" IN THIS SPACE (Column 2, Row 2) is less than 3, enter "3".
- The "Highest No. Previously Paid For" (Total or Indep.) is the highest number found in the appropriate box in Col. 1 of a prior amendment or the number of claims originally filed.

No additional fee for claims is required.

Very respectfully,



SIGNATURE OF PRACTITIONER

Reg. No. 46,457
Tel. No.: (727) 507-8558

Molly L. Sauter
Smith & Hopen, P.A.
15950 Bay Vista Drive, Ste. 220
Clearwater, FL 33760

(Amendment Transmittal—page 2)